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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
 JEREMY DAVIS, CHRISTOPHER
 CASTILLO, and MONIQUE TRUJILLO
 individually and on behalf of all similarly
 situated,

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

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 Steven M. Shepard (admitted *pro hac vice*)
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Case No.: 5:20-cv-03664-LHK

**DECLARATION OF ERIKA NYBORG-
 BURCH IN SUPPORT OF PLAINTIFFS'
 MOTION SEEKING RELIEF FOR
 GOOGLE'S FAILURE TO OBEY
 DISCOVERY ORDER**

The Honorable Susan van Keulen
 Courtroom 6 - 4th Floor
 Date: November 23, 2021
 Time: 10:00 a.m.

DECLARATION OF ERIKA NYBORG-BURCH

I, Erika Nyborg-Burch, declare as follows.

1. I am an associate with the law firm of Boies Schiller Flexner LLP, counsel for Plaintiffs in this matter. I am an attorney at law duly licensed to practice before all courts of the State of New York, and admitted *pro hac vice* in this case. (Dkt No. 266). I have personal knowledge of the matters set forth herein and am competent to testify.

2. Attached hereto as **Exhibit A** is a true and correct copy of Google's Responses and Objections to Plaintiffs' First Set of Requests for Production (Nos. 1–19).

3. Attached hereto as **Exhibit B** is a true and correct copy of the December 14, 2020, letter from Google's Counsel to Plaintiffs' Counsel regarding Google's Responses to Plaintiffs' First Set of Requests for Production (Nos. 1–19).

4. Attached here to as **Exhibit C** is a true and correct copy of the January 21, 2021, letter from Google's Counsel to Plaintiffs' Counsel regarding Google's Responses and Objections to Plaintiffs' First Set of Requests for Production (Nos. 1–19).

5. Attached hereto as **Exhibit D** is a true and correct copy of the February 18, 2021, letter from Google's Counsel to Plaintiffs' Counsel regarding the Parties' RFP 10 dispute.

6. Attached hereto as **Exhibit E** is a true and correct copy of the May 11, 2021, letter to Google's Counsel from Plaintiffs' Counsel.

7. Attached hereto as **Exhibit F** is a true and correct copy of a document produced by Google, Bates numbered GOOG-BRWN-00028920.

8. Attached hereto as **Exhibit G** is a true and correct copy of the May 12, 2021, letter from Google's Counsel to Plaintiffs' Counsel.

9. Attached hereto as **Exhibit H** is a true and correct copy of the September 14, 2021, letter from Google's Counsel to the Special Master.

10. Attached hereto as **Exhibit I** is a true and correct copy of the September 17, 2021, letter from Google's Counsel to the Special Master.

1 11. Attached hereto as **Exhibit J** is a true and correct copy of a document produced by
2 Google, Bates numbered GOOG-CABR-00400309

3 12. Attached hereto as **Exhibit K** is a true and correct copy of the October 3, 2021, letter
4 from Plaintiffs' Counsel to the Special Master.

5 13. Attached hereto as **Exhibit L** is a true and correct copy of the September 29, 2021,
6 letter from Google's Counsel to the Special Master.

7 14. Attached hereto as **Exhibit M** is a true and correct copy of the Google Privacy Policy.

8 I declare under penalty of perjury under the laws of the United States of America that the
9 foregoing is true and correct. Executed this 14th day of October, 2021, at Oakland, California.

10 /s/ Erika Nyborg-Burch

11 Erika Nyborg-Burch
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